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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 MALIK ALI MUHAMMAD,

11 Petitioner,

12 v.

13 DERRAL ADAMS,

14 Respondent.

) No. C 07-3627 MMC (PR)

) **ORDER DENYING REQUEST FOR**
) **CERTIFICATE OF APPEALABILITY;**
) **DENYING LEAVE TO PROCEED IN**
) **FORMA PAUPERIS ON APPEAL**

) **(Docket Nos. 18 & 19)**

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16 On July 13, 2007, petitioner, a California prisoner proceeding pro se, filed the above-
17 titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a 2003
18 state court conviction. On July 23, 2008, respondent's motion to dismiss the petition as
19 untimely was granted and judgment was entered. Petitioner has now filed a notice of appeal
20 from the entry of judgment in respondent's favor and a request for a certificate of
21 appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b).
22 See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997). Petitioner also seeks leave
23 to proceed in forma pauperis on appeal. Petitioner has not shown, however, "that jurists of
24 reason would find it debatable whether the petition states a valid claim of the denial of a
25 constitutional right and that jurists of reason would find it debatable whether the district court
26 was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).
27 Accordingly, petitioner's requests for a certificate of appealability and to proceed in forma
28 pauperis on appeal are hereby DENIED.

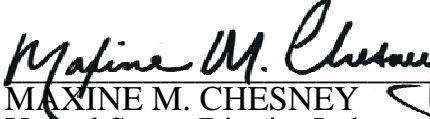
The Clerk shall forward this order, along with the case file, to the United States Court

1 of Appeals for the Ninth Circuit, from which petitioner may also seek a certificate of
2 appealability. See Asrar, 116 F.3d at 1270.

3 This order terminates Docket Nos. 18 and 19.

4 IT IS SO ORDERED.

5 DATED: October 28, 2008


MAXINE M. CHESNEY
United States District Judge